

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 369 - HB 368**

March 8, 2019

**SUMMARY OF BILL:** Requires a court, at the request of a defendant's attorney, to instruct the jury that although the state may prove a case beyond a reasonable doubt, the jury may still find the defendant not guilty in order to avoid an unjust result.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Title 39, Chapter 24, Part 2 of the Tennessee Code Annotated establishes standards for juries to establish the burden of proof in criminal trials.
- The proposed legislation requires the court at the request of a defendant's attorney to instruct the jury in a criminal trial that they may still find the defendant not guilty even if the state has proved a case beyond a reasonable doubt if the defendant requests the court to do so.
- The proposed legislation states that this would be under circumstances that a jury may decide that a guilty verdict would result in an unjust conviction.
- Conceivably, passage of this legislation could reduce incarceration costs to the extent a defendant is acquitted of a charge pursuant to the legislation, when under current law they would otherwise be convicted. However, it is assumed there would be very few verdict changes, if any, as a result of this legislation. Therefore, it is assumed any impact relative to incarceration would be not significant.
- Any impact to the caseloads of the courts, public defenders, and district attorneys can be accommodated within their existing resources.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner".

Krista Lee Carsner, Executive Director

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